

**Lewis County Planning Commission  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

**August 10, 2010  
Meeting Notes**

**Planning Commissioners Present:** Bill Russell, Mike Mahoney, Jim Lowery, Rachael Jennings, Richard Tausch

**Planning Commissioners Excused:** Bob Guenther, Arny Davis

**Staff Present:** Phillip Rupp, Barbara Kincaid, Glenn Carter, Pat Anderson

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from July 27, 2010
- Matrix of Rezone Requests
- PowerPoint on the South Lewis County Subarea Plan

**1. Call to Order**

Chairman Jennings called the meeting to order at 7:00 p.m. The Commissioners introduced themselves.

**2. Old Business**

A. Approval of meeting notes

Chairman Jennings entertained a motion to approve the meeting notes from July 27, 2010.

Commissioner Lowery made the motion, Commissioner Russell seconded. The motion carried.

B. Workshop on Rezone requests

Mr. Rupp stated discussion would start on Map 12.

Application #52, Map 12

This is a 2003 application requesting rezoning from RDD-10 to RDD-5. Its current use is timber with some residences and limited access off of Hagen Rd. Surrounding uses include timber on RDD properties and it is adjacent to a large block of FRL to the south. There are significant critical areas. Zoning it to RDD-5 would create a spot zone.

Mr. Rupp stated most of the parcelization on the east side of the property was done by record of survey; Mr. Rupp was unable to find any record showing how the western half was divided. They may be tax parcels only.

Commissioner Mahoney stated they are divided into approximately 5 acre lots. Mr. Rupp stated there are larger lots in the southwest corner. Commissioner Mahoney stated if they are lots of record it does not matter what the zoning is: each lot can be built on. Mr. Rupp stated that is correct if they are legally established lots and we don't know that.

Commissioner Russell stated this property was discussed during the RDD designation. He does not recall that those were legal lots of record at that time, other than at the steep slope that goes down to Riffe Lake. Regardless of how it is surveyed, he believes it is wrong to put five acre tracts next to the national forest land. Leaving it zoned as RDD-10 is appropriate.

Application #162, Map 12

This 2002 application is a request from RDD-10 to RDD-5. Current use is residential; surrounding designation and uses include timber and residential on RDD-10 to the west and north, timber on RDD-20 to the east (no development) and FRL to the south. Critical areas include slopes in excess of 30%. Rezoning would create a spot zone.

Application #27, Map 12

This application is to change RDD-10 zoning to RDD-5. There are approximately 100 acres, three parcels with two owners.

In 2008 two of the parcels totaling approximately 68 acres were designated ARL. The two ARL parcels still appear to meet ARL criteria. That zoning should stand.

The remaining 30-acre parcel is currently RDD-10. Current use appears to be agriculture; parcel sizes range from 3 to 30 acres with the predominate size from 6 to 10 acres. Critical areas include wetlands and hydric soils.

There is no RDD-5 designation contiguous to the subject property and rezoning it would create a spot zone.

Commissioner Mahoney stated with the ARL designation between the UGA and these parcels it would be wrong to go to RDD-5 on that side.

Application #40, Map 10

This is a 2002 application to change approximately 53 acres from RDD-20 to RDD-10. In 2008 the property was designated ARL and there is no evidence that the conditions have changed or that an error was made in that ARL designation. It would also create a spot zone.

Application #56 and 57, Map 13

This 2002 application is to change RDD-20 to RDD-5 on about 460 acres made up of 50 parcels involving 37 property owners in three areas south of SR 505. Approximately 110 acres were designated ARL in 2008. Staff analysis will use the current zoning for this request.

The ARL designated parcels meet the ARL criteria; there will be no further review of that component.

The remaining 347 acres involves about 45 properties with multiple owners. Seven of them are larger than 10 acres with the majority at 5 to 6 acres. Uses include rural residential, agriculture and timber; several are enrolled in the open space tax programs. The area is surrounded by RDD-20 to the north, northeast, south and west. FRL land abuts several of the properties to the southeast. Critical areas include wetlands and hydric soils.

Introducing a more intense use would constitute spot zoning and impact the rural character of this area.

Application #128, Map 13

This 2002 request is to change zoning from Class B ag to RDD-5. This land did not meet ARL criteria during the compliance review and the parcels were zoned RDD-10. Staff will review this request under the current zoning. One of the parcels has changed ownership and the new owner wishes to be part of this request.

Current use is rural residential. Critical areas include wetlands, hydric soils, flood zone, rural shoreline and sensitive aquifer recharge area. The Cowlitz River runs on the north side of the property.

The property is surrounded by RDD-10 that has been divided into 5 acre tracts, most of which have been developed with single family homes. Changing the RDD-10 zoning on these parcels would constitute a spot zone.

Commissioner Russell stated he believes this should remain as RDD-10 because that zoning is a better buffer to the river.

Chairman Jennings stated that area does flood and the homes there are built on high pads. She stated the zoning should stay RDD-10, as did Commissioner Mahoney.

Application #165, Map 11

This application was made in June 2008 and requests reconsideration of the ARL designation. Prior to ARL designation this parcel was zoned RDD-10. In July 2008 the applicant submitted a letter withdrawing this request from further consideration.

Mr. Rupp stated the next step in the process is for staff to go through the comments that have been made in the workshops and consolidate those with the comments of people who have spoken. A summary will be prepared consistent with principles that were discussed early in the process. Those will be findings that will support a recommendation. Another workshop will be held and the Planning Commission will set a public hearing for the recommendations. Staff anticipates that hearing to be in September.

There is one more application to consider. That is the rezone request for the area around Mineral Lake. The property owners re-submitted material for consideration to change the zoning from Forest Resource Lands of national significance to local importance to allow them to develop 20-acre lots around the north side of Mineral Lake. When we hold the workshop on the 24<sup>th</sup> we hope to have more specifics on that proposal.

Commissioner Russell asked if staff could bring the criteria used in the original designation of FRL and the appropriate WAC and county policies. He thought it would be helpful for the other commissioners to know what steps were taken to designate the forest resource lands, which was similar to ARL designation.

Mr. Rupp stated staff can provide that information but the WAC has changed some since that time; the principles have not changed much. There is also distinction in the Lewis County Code between national importance forest land and local importance forest land. That information will be brought to the commissioners as well. Ms. Kincaid wrote a report last year pointing out the differences of the two designations and that can be brought back as well.

Commissioner Russell asked in changing one resource land to another resource land, do we need to show that circumstances have changed. Mr. Rupp stated that would be part of the justification for changing the zoning.

Commissioner Mahoney stated the owner of the property for rezone request #171 has submitted an amendment reducing the amount of property. He asked if Mr. Rupp has seen that. Mr. Rupp stated he has not received anything.

Ms. Kincaid stated an amended request would have to start over as a new rezone request.

Commissioner Mahoney suggested it could be discussed before the public hearing. Mr. Rupp stated that is the purpose of a public hearing: the property owner can talk about their request and their justification for the request. As of today he is not aware of anything submitted to the planning staff.

Mr. Rupp stated a letter was submitted by Mr. Nilsson, a resident of Mineral Lake. He is requesting that a public hearing be held in Mineral and it is the Planning Commission's decision whether that is appropriate or not. It would set a precedent for holding public hearings for single land use cases. We have had hearings in East County when big changes such as the agriculture resource lands and critical areas were being considered. There will be a public hearing in South County for the subarea plan but that request goes beyond a single application for rezone.

Chairman Jennings asked for discussion.

Commissioner Russell stated it would be prudent to hold a public hearing someplace in East County regardless of the number of applications. The people who are most directly affected by zone changes there, especially one the size of the one at Mineral, are not likely to drive to Chehalis on a weeknight for a public hearing. He would personally like to see a hearing held in East County.

Commissioner Lowery agreed with Commissioner Russell. It is easier for the Planning Commissioners to drive to Mineral than the entire town of Mineral to drive to Chehalis. There are a lot of people interested in this and he believes it is good policy to be in an area where it is easier to access this process.

Commissioner Mahoney agreed. He hopes there is information to share before we hold the hearing. The Planning Commission has not seen any information yet and as soon as it does he believes it is appropriate to make the trip up there.

Mr. Rupp stated the meeting on August 24 is a workshop on the Mineral Lake property rezone request. Is that the meeting the Commission would like to be held in Mineral?

Commissioner Lowery asked if there is a public hearing after the workshop. Mr. Rupp stated yes. Commissioner Lowery thought the public hearing would be the most appropriate so people can give testimony. Commissioner Russell agreed.

Mr. Rupp stated two public hearings would need to be held: one in Mineral, or East County, and one in Chehalis.

Chairman Jennings asked Commissioner Tausch his feelings on this issue. Commissioner Tausch concurred with the other commissioners.

Chairman Jennings stated there was a consensus that there will be two public hearings. Mr. Rupp stated he would check to see what venues are available.

### **III. New Business**

#### **A. 1<sup>st</sup> workshop on Subarea Plan and Toledo UGA proposal**

Ms. Kincaid stated she would go through a slide show prepared for the most recent public open house on the subarea plan. The function of tonight's workshop is to give the context and background of how the subarea plan came to be formed and before the next meeting you will receive reading material to review.

The Subarea Plan is a collaborative effort between the cities of Toledo, Vader and Winlock, Lewis County, Cowlitz Indian Tribal Housing, the EDC, the South Lewis County Chamber of Commerce, the PFD and the Ed Carlson Memorial Airport.

The PowerPoint showed the characteristics of the subarea, why a subarea plan should be considered and why it should be in South County. A market demand study was conducted by E.D. Hovee and Company and a Vision Statement was written. The process of the formation of the subarea was listed as well as major committee findings.

The Department of Fish and Wildlife and the Department of Ecology were consulted and gave their opinions on the areas that would require the most protection and also located mitigation and restoration projects.

Ms. Kincaid pointed out on the larger map where the proposed UGAs will be located, including Toledo's proposed UGA which is planned for business and residential growth. Toledo has its own separate proposal but it is part of the big plan.

Land use and economic development includes industrial, retail and commercial and tourism –oriented uses which would require approximately 600 net acres. There will be a transportation element and a capital facilities element.

Regional utilities are a component and there are options to consider for both water and sewer utilities, including a governance structure. A water study has been conducted with the current water supply and demand conditions analyzed and future population and water use projections applied. Shortages and surpluses were identified for the subarea and strategies suggested to meet the projected demand.

There will be a workshop on August 24 and the Draft Plan and Draft EIS will be released for public review on August 27. A public hearing on the Draft Plan and oral public comments on the DEIS will be on September 14 with the Planning Commission's recommendation to the BOCC.

There will be briefings for the councils and planning commissions of the cities and a final public hearing before the Board of County Commissioners before the end of 2010, most likely in October.

Ms. Kincaid asked for questions.

Commissioner Lowery stated the categories in the market study are fairly general. He asked if Hovee looked at specific types of industry or business that might fit, and if they looked at what is now called “green industries”.

Ms. Kincaid stated Mr. Hovee did not look at the green industries; he did look at specific warehouses and manufacturing.

#### **IV. Calendar**

The next meeting will be on August 24 which will include a workshop on Public Works’ Six Year Transportation Improvement Plan, a workshop on the Mineral Lake rezone request and the second workshop on the Subarea Plan and the Toledo UGA proposal.

#### **V. Good of the Order**

There were no comments.

#### **VI. Adjourn**

A motion was made and seconded to adjourn. Adjournment was at 7:55 pm.